REMARKS

Claims 1-8 are pending in this application, with claim 1 being independent. Claims 1, 2, 4, and 8 have been amended, and claims 9-11 have been cancelled. Care has been taken to avoid the introduction of new matter. Favorable reconsideration of the application in light of the following comments is respectfully solicited.

Double Patenting

Claims 9-11 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9-11 of a copending Application Number 11/798,367. Claims 9-11 have been cancelled without prejudice or disclaimer of the subject matter, rendering this rejection moot.

Claim Rejections – 35 U.S.C. § 112

Claims 1 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claim 9 has been canceled, rendering this rejection moot. Claim 1 has been amended to overcome this rejection.

Claim Rejections – 35 U.S.C. §§ 102, 103

Claims 1 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 7,110,984 ("Spagna"). Claims 3, 5, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spagna in view of U.S. Patent Number 6,577,734 ("Etzel") and further in view of U.S. Patent Application Publication Number 2002/0116632 ("Itoh"). Applicants respectfully traverse these rejections because Spagna, at a minimum, does not appear to describe or suggest a method for updating a program in a system including an LSI device and

an external memory, the method including, among other steps, a step of determining by the server whether or not the *update object program* may be transmitted based on the *transmitted inherent ID* and application ID, and transmitting by the server additional information of the update object program if it is determined that the update object program may be transmitted, as recited in claim 1 (emphasis added).

The Office Action asserts that Spagna describes the above-recited step in column 26, lines 36-55, column 39, lines 49-67, and column 45, lines 48-51. *See e.g.*, Office Action at page 5, lines 11-20. Applicants disagree.

Spagna generally describes an interaction between an end-user device 109, an electronic digital content store 103, and a clearinghouse 105 for purposes of enabling a user operating the end-user device 109 to receive a license and to access the content stored in the electronic digital content store 103. Spagna at col. 25, lines 15-32. The content includes pictures, movies, videos, music, programs, multimedia, and games. Spagna at col. 9, lines 53-55.

With this overview and referring specifically to column 26, lines 36-55, Spagna describes that upon reception of an order SC 650 from the end-user device 109, the clearinghouse 105 verifies that the order SC 650 has not been altered; that transaction data 642 and a symmetric key 623 are complete and authentic; that electronic store usage conditions 519 purchased by the end-user device 109 are consistent with those usage conditions 517 set by a content provider 101; and that the application ID 551 is valid. If all the verifications are successful, the clearinghouse 105 decrypts the symmetric key 623 and the transaction data 642 and builds and transfers a license SC 660 to the end-user device 109.

Here, Spagna merely describes whether or not a license should be issued and does not describe whether or not program update is possible. That is, Spagna describes if all the

verifications are successful then the user is granted a license, carrying the symmetric key 623, which is used to decrypt the content. As such, in this portion, Spagna does not describe or suggest the step of determining whether or not program update is possible.

Nevertheless and assuming, *arguendo*, that Spagna describes the step of determining whether or not program update is possible, it still does not describe or suggest the step of determining whether or not program update is possible based on the transmitted inherent ID of the LSI device and the application ID. Specifically, the above-described verifications consider the application ID and not the transmitted inherent ID of the LSI device.

Moving forward, in column 39, lines 49-67 and column 45, lines 48-51, Spagna describes a certificate revocation list, which is a list of certificate IDs previously issued and signed by the clearinghouse 105. Apparently, SC(s) that have a signature, which can be verified by a certificate that is included in the revocation list, are invalid SC(s). To this end, the end-user 109 stores a copy of this certificate revocation list and whenever a revocation list is received, the end-user device 109 replaces its local copy if the new one is more up to date. As such, in this portion, Spagna merely describes updating a list and not updating a program. Furthermore, even if it is assumed that updating such list is equivalent to updating a program, to which Applicants do not concede, Spagna still does not describe or suggest determining whether or not to update the list using transmitted inherent ID of the LSI device and the application ID. *See e.g.*, Spagna at col. 39, lines 65-67 (stating that the list is updated as long as the new one is more up to date without any indication that the list is updated using inherent ID of the LSI device and the application ID).

Accordingly, the relied upon portions of Spagna fail to describe or suggest a method for updating a program in a system including an LSI device and an external memory, the method

including, among other steps, a step of determining by the server whether or not the *update object program* may be transmitted based on the *transmitted inherent ID* and application ID, and transmitting by the server additional information of the update object program if it is determined that the update object program may be transmitted, as recited in claim 1 (emphasis added).

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1, along with its dependent claims.

Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Because claim 1 is allowable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also allowable. In addition, it is respectfully submitted that the dependent claims are allowable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102/103 be withdrawn.

Conclusion

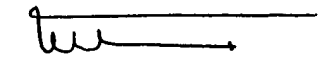
Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's

amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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